THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26930 OF 2005

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Dated: 16-12-2005

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Between

T. Anajaiah, S/o. Anjaiah, F.P.Shop Dealer, Korisapadu Village & Mandal, Prakasam District.

...PETITIONER

AND

The Joint Collector, Ongole, Prakasam District and others.

...RESPONDENTS

ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 and 5.

Learned counsel for the petitioner submits that disciplinary proceedings have been initiated against the petitioner for cancellation of his authorization and after conducting enquiry the Revenue Divisional Officer by order dated 25.10.2005 held that the irregularities committed by the petitioner are minor in nature and not grievous. Therefore, a lenient view has been taken and imposed a fine of Rs.300/- for the lapses committed by the petitioner and the dealership authorization of the petitioner was restored warning the petitioner to be more careful in future. As against the said order the respondents 4 and 5, who are the

cardholders, filed an appeal along with stay application before the Joint Collector and the appellate authority by order dated 13.12.2005 granted stay of the order of the second respondent pending finalization of appeal.

This Court is of the opinion that when the appointing authority after conducting a detailed enquiry and after giving reasonable opportunity held that the irregularities committed by the petitioner are minor in nature and not grievous, the Joint Collector ought not to have granted stay of the said order without hearing and without giving reasonable opportunity to the petitioner.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of directing the Joint Collector to consider and dispose of the appeal itself after giving reasonable opportunity to the petitioner and the respondents 4 and 5. Till the appeal is disposed of the stay granted by the Joint Collector by order dated 13.12.2005 shall be kept in abeyance and the petitioner may be permitted to distribute the essential commodities.

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V. ESWARAIAH, J

December 16, 2005

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